UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOLLY WINN, Plaintiff, - against - MORRIS COMMUNICATIONS COMPANY, LLC, Defendant.	Docket No. 17-cv-02606 JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Molly Winn ("Winn" or "Plaintiff"), by and through her undersigned counsel, as and for her Complaint against Defendant Morris Communications Company, LLC ("MCC" or "Defendant") hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant's unauthorized reproduction and public display of five (5) copyrighted photographs of Chip and Joanna Gaines' farmhouse, owned and registered by Winn, a Texas Photographer. Accordingly, Winn seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq*.

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq*., and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Winn is a professional photographer in the business of licensing her photographs to online, print, and television media outlets for a fee, having a usual place of business at 2514 Colcord Avenue, Waco, Texas 76707. Winn's photographs have appeared in many publications around the United States.

6. Upon information and belief, MCC is a limited liability company duly organized and existing under the laws of the State of Georgia, with a place of business at 79 Madison Avenue, 8th Floor, New York, New York 10016. At all times material hereto, MCC has owned and operated a website at the following URL: www.jacksonville.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photograph

7. On February 28, 2014, Winn photographed Chip and Joanna Gaines'[1] Texas farmhouse (the "Farmhouse Photographs"). True and correct copies of the Farmhouse Photographs are attached hereto as Exhibit A.

8. Winn is the author of the Farmhouse Photographs and has at all times been the sole owner of all right, title and interest in and to the Farmhouse Photographs, including the copyrights thereto.

9. The Farmhouse Photographs were registered with the U.S. Copyright Office and were given Copyright Registration Number VA 2-034-831.

B. Defendant's Infringing Activities

10. Upon information and belief, on March 12, 2015, MCC ran an article on the Website entitled *A little bit country, Modern farm style offers plenty of charm*. See

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1. Chip and Joanna Gaines are the co-stars of HGTV's *Fixer-Upper*, a reality television series.

http://jacksonville.com/homes/2015-03-12/story/little-bit-country#. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit B.

11. MCC did not license the Photographs from Plaintiff for its article, nor did MCC have Plaintiff's permission or consent to publish the Photographs on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST MCC)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. MCC infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on its Website. MCC is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Photographs.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the aforementioned acts of infringement by MCC have been willful, intentional, and purposeful, in disregard of and with indifference to Plaintiff's rights.

16. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover her damages and Defendant's profits pursuant to 17 U.S.C. § 504(b).

17. Defendant's conduct, described above, is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant MCC be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: April 11, 2017
Valley Stream, New York

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